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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,448	04/12/2000	KIMMO SAVOLAINEN	747-009336-U	6549

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EXAMINER

SHARMA, SUJATHA R

ART UNIT	PAPER NUMBER
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2684

14

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/529,448

Applicant(s)

SAVOLAINEN, KIMMO

Examiner

Sujatha Sharma

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 5-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,5-9,16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann [WO 97/14258] in view of Chatterjee [US 6,282,421].

Regarding claims 1,2 and 16, Tiedemann discloses a method and system for over the air service programming. Tiedemann further discloses a communication system comprising of subscriber terminals and a customer service center (CSC) which queries the subscriber station for information in response to which CSC selects the HLR within the communication network with which the subscriber unit is to be associated. Tiedemann further discloses a method where the service programming information associated with the particular subscriber station is transferred from the HLR into the subscriber station. See Fig. 1 and abstract. Tiedemann is silent to teach the method where the mobile station transmits the location information.

Chatterjee in the same field of endeavor teaches a method of transmitting the mobile station's location to the management system in order to accurately determine a transmitter's location. See abstract, col.1, lines 38-55,summary of invention and col.4, lines 20-30. The use of GPS for location determination is well known in the art as taught by Chatterjee. See col. 1, lines 18-29.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Chatterjee to Tiedemann in order to reduce

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the setup time for service provisioning, efficiently use the network resources, increase the performance of the network and provide useful services to the cellular telephone customers.

Regarding claim 3, Tiedemann further discloses a method where the mobile unit is programmed in advance to connect to the CSC for over the air service programming. See page 8, lines 1-22.

Regarding claim 5, Tiedemann further discloses a method where the service programming information is set in the HLR for a subscriber unit and is downloaded into the subscriber unit upon request from the subscriber unit. See abstract.

Regarding claim 6, Tiedemann discloses a method where the CSC queries the subscriber unit for information which includes location information in response to which the CSC selects the HLR within the communication network with which the subscriber unit is to be associated. Tiedemann further discloses a method where the service programming information associated with the particular subscriber station is transferred from the HLR into the subscriber station. See Fig. 1 and abstract.

Regarding claim 7, Tiedemann discloses a method where the subscriber unit sends a service programming request along with user information to the CSC and the CSC determines if it is the correct CSC to service the user and if not the subscriber unit is forwarded to a correct CSC which then triggers the HLR associated with the subscriber unit to download the service programming information to the subscriber unit. See Fig. 4A and page 10, lines 15-39.

Regarding claim 9 and 18, Tiedemann further discloses a method where the message from the subscriber unit is sent as a data call. See page 12, lines 3-4.

Regarding claims 8 and 17, Tiedemann as treated in claim 1,16 does not disclose the use of SMS technology to download the service provisioning parameters to the subscriber unit.

Chatterjee teaches the use of SMS technology to download the service provisioning parameters from the HLR to the subscriber unit. See summary, Fig.1 and col.5, lines 43-47.

Therefore it would have been obvious to one with ordinary skill in the art to include the teaching of Chatterjee in Tiedemann's invention in order to quickly, reliably and cost-effectively provide telephone service to new or existing customers.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann [WO 97/14258] and Chatterjee [US 6,282,421] as applied to claim 1,16 above and further in view of Lee [WO 9520859].

Tiedemann as treated in claim 1 does not disclose the choice of language as the operational parameter.

Lee teaches a method of preselecting a language selection in telecommunication services such that the language selection may be identified with the user. See abstract.

Therefore it would have been obvious to one with ordinary skill in the art to include the teaching of Lee in the modified Tiedemann's invention in order to provide interactive telecommunication services to the user.

4. Claims 11-15 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann [WO 97/14258] and Chatterjee [US 6,282,421] as applied to claim 1,16 above and further in view Sarpola [WO 95/20298].

Regarding claims 11-14 and 19-22, Tiedemann as treated in claims 1 and 16 does not disclose a pay phone system and payphone terminals. Tiedemann further does not disclose the terminals to be payment terminals in stores or WLL terminals or mobile smart card terminals. Sarpola teaches a method for transmitting tariff data to a subscriber unit. Sarpola further teaches a WLL system with a pay phone or mobile smart card terminals. See abstract and page 4, lines 20-34.

Therefore it would have been obvious to one with ordinary skill in the art to include the teaching of Sarpola in Tiedemann's invention in order to use the method of remotely downloading operational parameters to the subscriber unit in different applications.

Regarding claim 15, Tiedemann as treated in claims 1 and 16 does not disclose the operational parameter to include tariff information.

Sarpola teaches a method of transmitting tariff data to a subscriber unit. See abstract.

Therefore it would have been obvious to one with ordinary skill in the art to include the teaching of Sarpola in the modified Tiedemann's invention in order to charge the user of the subscriber unit as fairly as possible.

Response to Arguments


5. Applicant's arguments filed 3/29/04 have been fully considered but they are not persuasive. The newly added limitation - "location of the terminal determined using the global positioning system" is taught by the Chatterjee reference. See col. 1, lines 18-29. Therefore the rejections of the claims 1-22 as discussed above are considered proper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
June 17, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER